United Nations S/2013/751

Security Council

Distr.: General
19 December 2013

Original: English

Letter dated 16 December 2013 from the Chair of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, containing an account of the Committee's activities from 1 January to 31 December 2013 (see annex). The report, which was adopted by the Committee, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

In this connection, I would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Gert **Rosenthal**
Chair
Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

13-62873 (E) 301213

Please recycle

Annex

Report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire covers the period from 1 January to 31 December 2013.

2. For 2013, the Bureau consisted of Gert Rosenthal (Guatemala) as Chair and the delegations of Australia and Rwanda as Vice-Chairs (see S/2013/2).

II. Background

3. The Security Council, by its resolution 1572 (2004) of 15 November 2004, decided that all States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire, from their territories or by their nationals, or using their flag vessels or aircraft, of arms or any related materiel, in particular military aircraft and equipment, as well as the provision of any assistance, advice or training related to military activities. The Council also imposed travel restrictions and an assets freeze on designated individuals and entities, to take effect on 15 December 2004.

4. By paragraph 14 of its resolution 1572 (2004), the Security Council established the Committee: (a) to designate and make public a list of individuals and entities subject to the targeted measures; (b) to seek information from States and entities on their implementation of the measures; (c) to consider and decide upon requests for exemptions to the arms embargo and other targeted measures; (d) to promulgate guidelines for the conduct of the Committee's work; and (e) to report to the Council regularly on its work, with recommendations and observations on ways to strengthen the effectiveness of the measures.

5. By its resolution 1584 (2005), the Security Council authorized the United Nations Operation in Côte d'Ivoire (UNOCI) and the supporting French forces to monitor the arms embargo imposed by the Council in resolution 1572 (2004), which required all States to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire of arms or any related materiel as well as the provision of any assistance, advice or training related to military activities.

6. By its resolution 1584 (2005), the Security Council requested the Secretary-General, in consultation with the Committee, to create a group of experts, inter alia, to examine and analyse the information gathered by UNOCI and the French forces in the context of their respective monitoring mandates; to gather and analyse all relevant information in Côte d'Ivoire, countries of the region and, as necessary, in other countries, on violations of the arms embargo; and to consider and recommend ways of improving the capabilities of States, in particular those in the region, to ensure the effective implementation of the measures imposed. On 23 September 2005, the Group of Experts on Côte d'Ivoire submitted its report (S/2005/699) to the Committee and, on 18 October 2005, by its resolution 1632 (2005), the Council extended the Group's mandate until 15 December 2005,

pursuant to which, on 29 November 2005, the Group submitted its update report (S/2006/204) to the Committee.

7. By its resolution 1643 (2005), the Security Council renewed the arms embargo, as well as the travel ban and the assets freeze imposed, respectively, by paragraphs 9 and 11 of resolution 1572 (2004). By paragraph 6 of resolution 1643 (2005), the Council imposed an embargo on the import of all rough diamonds from Côte d'Ivoire. By paragraph 9 of the same resolution, the Council requested the Secretary-General to establish an expanded Group of Experts for six months with the additional task of monitoring the embargo on diamonds. The Group of Experts submitted its report to the Committee on 16 August 2006 (S/2006/735).

8. By paragraph 4 of resolution 1643 (2005), the Security Council decided that any obstacle to the freedom of movement of UNOCI and the French forces, or any attack or obstruction to the action of UNOCI, the French forces, the High Representative for the elections or the International Working Group, constituted a threat to the peace and national reconciliation process for the purposes of the measures imposed by the Council in paragraphs 9 and 11 of resolution 1572 (2004).

9. On 14 September 2006, by its resolution 1708 (2006), the Security Council extended the mandate of the Group of Experts until 15 December 2006 and requested that the Group submit a brief written update to the Council through the Committee before 1 December 2006 on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraphs 4 and 6 of resolution 1643 (2005), with recommendations in that regard. The Group of Experts submitted its update report to the Committee on 27 November 2006 (S/2006/964).

10. On 15 December 2006, by its resolution 1727 (2006), the Security Council renewed until 31 October 2007 the arms embargo, travel and financial sanctions as well as the embargo on the import of all rough diamonds originating in Côte d'Ivoire. By paragraph 7 of the same resolution, the Council decided to extend the mandate of the Group of Experts for a further six months. The Group was requested to report to the Council in writing, through the Committee, before 15 June 2007, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). The Group of Experts submitted its report to the Committee on 11 June 2007 (S/2007/349).

11. On 20 June 2007, by its resolution 1761 (2007), the Security Council decided to extend the mandate of the Group of Experts, as set out in resolution 1727 (2006), until 31 October 2007. By paragraph 2 of the same resolution, the Council requested the Group to submit a written update to the Council, through the Committee, before 15 October 2007, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraphs 4 and 6 of resolution 1643 (2005). The Group submitted its report to the Committee on 21 September 2007 (S/2007/611).

12. On 29 October 2007, by its resolution 1782 (2007), the Security Council renewed until 31 October 2008 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). By paragraph 8 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2008. The Council requested the Group to provide a midterm report to the Committee by 15 April 2008 and to submit a final written report to the Council through the

Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in that regard. The Group submitted its midterm report to the Committee on 20 March 2008 (S/2008/235) and its final report on 15 September 2008 (S/2008/598).

13. On 29 October 2008, by its resolution 1842 (2008), the Security Council renewed until 31 October 2009 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). By paragraph 10 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2009. The Council requested the Group to provide a midterm report to the Committee by 15 April 2009 and to submit a final written report to the Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in this regard. The Group submitted its midterm report to the Committee on 20 March 2009 (S/2009/188) and its final report on 15 September 2009 (S/2009/521).

14. On 29 October 2009, by its resolution 1893 (2009), the Security Council renewed until 31 October 2010 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). By paragraph 10 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2010. The Council requested the Group to provide a midterm report to the Committee by 15 April 2010 and to submit a final written report to the Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in that regard. The Group submitted its midterm report to the Committee on 18 March 2010 (S/2010/179) and its final report on 17 September 2010 (S/2011/271).

15. On 15 October 2010, by its resolution 1946 (2010), the Security Council renewed until 30 April 2011 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). By paragraph 9 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 30 April 2011. The Council requested the Group to provide a report to the Committee by 15 April 2011 on the implementation of the measures imposed by paragraphs 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in that regard. The Group submitted its final report to the Committee on 17 March 2011 (S/2011/272).

16. On 28 April 2011, by its resolution 1980 (2011), the Security Council renewed until 30 April 2012 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004), paragraph 5 of resolution 1946 (2010), paragraph 12 of resolution 1975 (2011), and paragraph 6 of resolution 1643 (2005). By paragraph 13 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 30 April 2012. The Council requested the Group to submit to the Committee a midterm report by 15 October 2011 and a final report as well as recommendations to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation

of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005) and paragraph 12 of resolution 1975 (2011). The Group submitted its midterm report to the Committee on 20 September 2011 (S/2011/642) and its final report on 16 March 2012 (S/2012/196).

17. On 26 April 2012, by its resolution 2045 (2012), the Security Council decided to replace the measures on arms and related materiel, previously imposed by paragraphs 7 and 8 of resolution 1572 (2004), with paragraphs 2, 3 and 4 of the resolution, by which the measures no longer applied to the provision of training, advice and expertise related to security and military activities, as well as to the supplies of civilian vehicles to the Ivorian security forces. The Council further decided to renew until 30 April 2013 the financial and travel measures imposed by paragraphs 9 to 12 of resolution 1572 (2004) and paragraph 12 of resolution 1975 (2011) as well as the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005). By paragraph 15 of the same resolution, the Council also decided to extend the mandate of the Group of Experts until 30 April 2013 as set out in paragraph 7 of resolution 1727 (2006). The Council requested the Group to submit to the Committee a midterm report by 15 October 2012 and a final report as well as recommendations to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraph 2 above, paragraphs 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005), paragraph 12 of resolution 1975 (2011) and paragraph 10 of resolution 1980 (2011). The Group submitted its midterm report to the Committee on 14 September 2012 (S/2012/766) and its final report on 15 March 2013 (S/2013/228).

18. On 25 April 2013, by its resolution 2101 (2013), the Security Council recalled that the measures on arms and related materiel, previously imposed by paragraphs 7 and 8 of resolution 1572 (2004), were replaced by paragraphs 2, 3 and 4 of resolution 2045 (2012) and decided to renew until 30 April 2014 the financial and travel measures imposed by paragraphs 9 to 12 of resolution 1572 (2004) and paragraph 12 of resolution 1975 (2011) and the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005). The Council also decided that a Member State delivering assistance may make a notification pursuant to paragraph 3 (e) after informing the Government of Côte d'Ivoire that it intends to do so, and stressed the importance of such notifications and authorization requests containing all relevant information, including the purpose of the use and end user, the technical specifications and quantity of the equipment to be shipped and, when applicable, the supplier, the proposed date of delivery, mode of transportation and itinerary of shipments.

19. The Council extended the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 30 April 2014, decided that the report of the Group may include, as appropriate, any information and recommendations relevant to the Committee's possible additional designation of the individuals and entities described in paragraphs 9 and 11 of resolution 1572 (2004) and requested the Group to submit to the Committee a midterm report by 15 October 2013 and a final report as well as recommendations to the Council through the Committee 30 days before the end of its mandated period, on the implementation of the measures imposed by paragraph 1 of the same resolution, paragraphs 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005), paragraph 12 of resolution 1975 (2011) and paragraph 10 of resolution 1930 (2011).

III. Summary of the activities of the Committee

20. During 2013, the Committee held informal consultations on 12 April, 11 October and 9 December.

21. On 12 April 2013, the Group of Experts presented its final report, prepared pursuant to resolution 2045 (2012), to the members of the Committee (S/2013/228). At the same meeting, Committee members discussed the recommendations contained in the report. During the consultations of the Security Council held on 16 April 2013, the Chair briefed the members of the Council on the main findings contained in the report and on the Committee's discussion of the report and its recommendations.

22. As part of its follow-up of the recommendations contained in the final report, the Committee dispatched, on 30 May 2013, letters addressed to the Permanent Representatives to the United Nations of Burkina Faso, Côte d'Ivoire, Ghana, Liberia and Mali, drawing attention to relevant paragraphs of the Group's report. Letters were also transmitted to the Chair of the Kimberley Process, the Secretary-General of the World Customs Organization, the General Director of Groupe l'Harmattan, as well as to the Under-Secretary-General for Peacekeeping Operations and the Special Representative of the International Criminal Police Organization (INTERPOL) to the United Nations. Furthermore, on 13 May 2013, the Committee transmitted a note verbale to all Member States drawing their attention to relevant paragraphs of the Group's final report. On 28 June 2013, the Committee received a reply to its letter addressed to the Under-Secretary-General for Peacekeeping Operations in connection with the report.

23. On 11 October 2013, the Group of Experts presented its midterm report, prepared pursuant to resolution 2101 (2013), to the members of the Committee (S/2013/605). At the same meeting, Committee members discussed the recommendations contained in the report. During the consultations of the Security Council held on 24 October 2013, the Chair briefed members of the Council on the main findings contained in the report and on the Committee's discussions of the Group's report and its recommendations.

24. Following up on the recommendations contained in the midterm report, the Committee dispatched, on 26 November 2013, letters to the Permanent Representatives to the United Nations of Burkina Faso, Côte d'Ivoire, Ghana, Guinea, Liberia and Mali, drawing attention to relevant paragraphs of the Group's report. Letters were also transmitted to the Chairman of the Economic Community of West African States, the Secretary-General of the Mano River Union and the Chair of the Extractive Industries Transparency Initiative, as well as to the Under-Secretary-General for Peacekeeping Operations. Furthermore, on 21 November 2013, the Committee transmitted a note verbale to all Member States drawing their attention to relevant paragraphs of the Group's midterm report.

25. Pursuant to paragraph 4 of resolution 2045 (2012), by which the Security Council decided that the Ivorian authorities should notify the Committee in advance of any shipment of items referred to in paragraph 3 (e) of the resolution, the Committee received four notifications of such shipments, of which one was circulated in the Committee on 22 March, one on 25 March, one on 28 March and one on 24 April 2013.

26. Also pursuant to paragraph 4 of resolution 2045 (2012), by which the Security Council decided that the Ivorian authorities should request the Committee in advance for approval of any shipment of items referred to in paragraph 3 (f) of the same resolution, pursuant to a formal request by the Government of Côte d'Ivoire and approved in advance by the Committee, the Committee considered and approved one exemption request for the shipment of materiel to Côte d'Ivoire, which was circulated in the Committee on 25 April 2013.

27. Pursuant to paragraph 4 of resolution 2101 (2013), by which the Security Council decided that the Ivorian authorities should notify the Committee of any shipment of items referred to in paragraph 3 (e) of the same resolution, the Committee received four notifications of such shipments, of which one was circulated in the Committee on 16 May, one on 12 July, one on 5 November and one on 13 November 2013.

28. Also pursuant to paragraph 4 of resolution 2101 (2013), by which the Security Council decided that the Ivorian authorities should request the Committee in advance for approval of any shipment of items referred to in paragraph 3 (f) of the same resolution, pursuant to a formal request by the Government of Côte d'Ivoire and approved in advance by the Committee, the Committee considered six exemption requests for shipments of materiel to Côte d'Ivoire, of which one was circulated in the Committee on 31 May, one on 15 August, three on 5 September and one on 5 November 2013. The Committee approved four of the exemption requests and placed the other two on hold.

29. On 15 March 2013, the Committee received a note verbale from the Permanent Mission of Côte d'Ivoire to the United Nations, transmitting a report on the implementation of the Kimberley Process Certification Scheme in Côte d'Ivoire.

30. On 9 July 2013, the Committee received a letter from the Secretary-General of the Organization for Economic Cooperation and Development (OECD), communicating the readiness of OECD to support Côte d'Ivoire in the use of the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.

31. On 18 October 2013, the Committee considered, and subsequently approved, an exemption request for basic expenses from the Permanent Mission of the Netherlands to the United Nations concerning the assets freeze imposed on former President Laurent Gbagbo.

32. On 9 December 2013, the Chair of the Kimberley Process, Welile Nhlapo, briefed the Committee on the 11th Kimberley Process plenary meeting, held in Johannesburg, South Africa, from 19 to 22 November 2013. At that meeting, it was requested that the Chair of the Kimberley Process communicate to the Security Council the results of a Kimberley Process review mission to Côte d'Ivoire, in pursuance of paragraph 6 of Council resolution 2101 (2013). Also by paragraph 6 of that resolution, the Council decided to renew until 30 April 2014 the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire, with a readiness to review measures in the light of progress made towards Kimberley Process implementation.

33. During the reporting period, the Committee considered a total of 10 monthly media and 10 arms embargo monitoring reports prepared by UNOCI in accordance with paragraphs 2 and 9 of resolution 1584 (2005) and paragraph 6 of resolution 1572 (2004). The Committee also considered eight UNOCI monthly human rights reports.

IV. Violations and alleged violations of the sanctions regime

34. In its final report of 17 April 2013 (S/2013/228), prepared pursuant to resolution 2045 (2012), the Group of Experts observed, in the area of arms, that despite the changes to the sanctions regime emanating from resolution 2045 (2012), which provided for a streamlined procedure for exemption requests, there had been a number of arms embargo violations during the mandate period, the most recent of which had occurred in March 2013. In the area of finance, the Group continued to investigate the large-scale smuggling of natural resources, expressing the view that portions of the gains obtained through such smuggling, which represent a loss equal to around 3 per cent of the gross domestic product of Côte d'Ivoire, could be used to purchase arms in an attempt to destabilize the Government and in violation of the sanctions regime. The Group also continued to investigate a criminal, military and political network that benefits from the smuggling of Ivorian natural resources such as cocoa, coffee, timber, cotton, gold, diamonds and other minerals.

35. In the area of diamonds, the Group observed that diamond production had progressively declined owing to the exhaustion of some artisanal deposits and that financiers and workers were moving from diamonds to gold owing to the continuously increasing price of gold. Along these lines, the Group noted with concern that the Government was far from meeting the minimum requirements related to the implementation of the Kimberley Process. In addition, the Group remained deeply concerned about the continued unregulated development of the artisanal gold mining industry in Côte d'Ivoire and suggested reaching out to OECD and the International Conference on the Great Lakes Region in order to improve the knowledge base and capacity related to the exploitation and management of such resources. In the area of customs, the Group observed with concern that Ivorian customs personnel still had no mandate to monitor the sanctions regime, as the relevant legislation and directives were absent. Furthermore, Ivorian customs lacked the capacity and the resources needed to properly monitor and control the transit of goods inside and outside of the country.

36. In its midterm report of 14 October 2013 (S/2013/605), prepared pursuant to resolution 2101 (2013), the Group of Experts remained concerned about the increased military power of the former Forces nouvelles zone commanders. The Group observed that progress had been made with regard to exemption requests and notification procedures, but voiced concern about a request conveyed by the Ivorian authorities to acquire, among other things, an Mi-24 combat helicopter, in the framework of security sector reform. The Group also observed that zone commanders continued to retain control over the best-equipped and best-trained military units in Côte d'Ivoire and that they maintained a dominant role in deciding which elements should participate in disarmament, demobilization and reintegration programmes, while other security forces, such as the police and the gendarmerie, remained relatively unequipped. The Group continued to investigate weapons and ammunition acquired in possible violation of the sanctions regime, in particular materiel of Sudanese production. During the meeting held on 11 October 2013, the Group updated the Committee on its recent investigations in Abidjan regarding the company Horsforth Trader Ltd. The Group intends to provide a full report on the case in its final report, in April 2014. In the area of finance, the Group was investigating the Ivorian authorities' reforms related to natural resources and their impact on preventing possible arms embargo violations.

37. Also in its midterm report, the Group expressed concern about the ongoing illegal trafficking in natural resources and the illegal taxation system present in Côte d'Ivoire, which generate revenues that remain unaccounted for and could therefore be used to purchase arms in violation of the sanctions regime. The Group noted that diamonds continued to be smuggled out of Côte d'Ivoire through neighbouring countries and the airport of Abidjan. The Group is also focusing its investigations on unaccounted revenue from the smuggling of diamonds and links with former Forces nouvelles commanders in order to identify any violations of the sanctions regime. The Group observed the good efforts made by the Government of Côte d'Ivoire to meet the standards of the Kimberley Process Certification Scheme and expressed its intention to provide a full analysis in this regard in its final report. In respect of customs, the Group noted that the Government still encountered difficulties in controlling the Ivorian borders owing to a lack of capacity and resources. Some progress had been made through the training of 2,000 customs officers as part of the disarmament, demobilization and reintegration programme. The Group expressed its intention to provide the Committee with a more complete analysis of the customs situation at the borders of Côte d'Ivoire in its final report, as well as on that situation at the airport of Abidjan and the ports of San Pedro and Abidjan. With regard to the individuals named on the Committee's sanctions list, the Group reported that it was liaising regularly with the Ministry of Justice and, in particular, that it was investigating new bank accounts in Côte d'Ivoire of former President Gbagbo and a possible breach of the travel ban by Martin Fofié.

V. Observations and conclusions

38. The primary responsibility for the implementation of the measures imposed by the Security Council rests with Member States. For its part, in facilitating and monitoring the implementation of the relevant measures, the Committee has greatly benefited from the information provided by the Group of Experts, UNOCI and other sources, which have proven to be useful in deciding upon appropriate actions. The Committee remains committed to discharging its mandate as effectively and as efficiently as possible.